MR. MOULTON'S TESTIMONY.

OPENING OF THE CROSS-EXAMINATION. CLOSING PARTS OF THE DIRECT EXAMINATION-THE PROPOSED STATEMENTS WRICH WERE PINALLY WITHHELD-WHAT WAS SHOWN TO DR. STORES-

EX-JUDGE PORTER'S FIRST QUESTIONS. The direct examination of Francis D. Moulton in the Tilton-Beecher suit was closed yesterday, and the cross-examination was begun by ex-Judge Porter. The concluding portions of his direct testimony related mainly to the proposed statements which were prepared prior to Mr. Tilton's appearance before the Committee. Mr. Tilton's counsel contended that Mr. Beecher's disposition to smother an investigation and to compromise the case by the substitution of an equivocal for a full statement of facts was a proof of his guilt. The statement which Mr. Tilton made for presentation to the Rev. Dr. Storra was read, the defense suddenly withdrawing an objection by which they might have excluded it. The crossexamination will be resumed to-day at 11 o'clock.

MR. MOULTON UNDER FIRE.

If Mr. Moulton had been dreading the ordeal of cross-examination through which he was to pass, the simplicity of the first questions must have reassured him, for they related to his age and business. Ex-Judge Porter has an erect, soldier-like figure, black bair and mustache, ruddy cheeks and pleasant though positive features. His spectacles are rarely off his face, although be has a habit of pushing them from their normal position to the higher plane of the forchead. When he rises he folds his arms across his breast, and with a sidelong glance at the witness puts the question in a tone which is as soft as it is deep. His manner soon puts a witness off his guard. His courtesy is never lost for an Instant. Even when his voice swells with emotion er with repressed indignation there is a return to the measured tones of civility before the interrogation point is reached. The contrast between him and Mr. Evarts in cross-examination is very marked. Mr. Evarts had an opportunity last week for disconcerting Mr. Moulton and his method was very differ ent from his colleague's. The questions dro ped from his lips thick and tast, and the intensity of his manner, the carnestness of his mien, and the undertene of scorn in his voice combined to heat and agitate the witness. Ex-Judge Porter carries the manners of the drawing-room into court. He neither browbeats nor worries his witness. His manner, though earnest and impressive, does not strike terror into the soul. But the witness who fancies that he is to escape from the rack because the inquisitor's voice is soft and caressing, and his manner smooth and cordial, soon finds that there is a grip of iron under the velvet paw.

Mr. Moulton, through protracted experience in the witness chair, has lost much of the nervousness which characterized his first appearance before the audience; but some of it returned when the fine irony of ex-Judge Porter's first reference to the functions of a "mutual friend" drew a smile to the faces of the auditors. Ex-Judge Porter's method of eross-examination may be termed cumulative in its effect. He leads up to a vital point through a long series of minor questions. His first point was reached after a hundred questions had been The vital question was substantially this: "The inception of your friendship for the Rev. Henry Ward Beecher was on that stormy night when you heard that he debauched your friend's wife, and its termination was at the time when you refused him access to the letters by which he wished to defend himself against a foul charge f This was the last round in a long ladder, and when it was reached every one in court saw how effective was the climax.

Mr. Moulton insisted at the outset that he had never denied to Mr. Beecher or to his agent, Gen. Tracy, access to the scandal literature during the early stages of the Plymouth Church Investigation. "Be kind enough to refresh your recollection," said the counsel in his blandest manner, handing to the witness a book containing the statements of the various actors in the controversy. Mr. Moulton then described an interview which be had last Summer with Gen. Tracy, his voice rising sit always does when he refers to Mr. Beecher's counsel. Ex-Judge Porter referred to the second demand for the papers intrusted to Mr. Moulton, and the reply to Mr. Beecher's letter was read with splendid emphasis, sidelong glances at the witness accompanying the fine irony of the counsel's manner. Mr. Moulton evidently was nettled by the manner in which the business-like communication which be dashed off last Summer on his return from Narragansets Pier was interpreted, and his britability soon manifested itself. The the mutual friend of both these men at that time ! "As friendly to one as to the other," he rejoined. "Had he ever wronged you ?" "Except when he seked me to lie for him." "You did lie for him?" Yes." "We have your word for it," said ex-Judge

Porter, with freezing sarcasm.

Mr. Moulton's next reply was that he had fornished no copies of any of the documentary evidence to Mr Tilton prior to the hour when Mr. Beecher demanded the letters. The retraction which Mr. Beecher surrendered to him was not dictated to Mr. Tilton, and he did not know that Mr. Tilton had copies. " Did you ever dictate to Mr. Tilton ?" asked the counsel in his smooth manner. "I swear that I did not," was the quick reply. Mr. Tilton and his counsel glanced at each other uneasily at this point, for Mr Moulton was on dangerous ground, inasmuch as Mr Tilton, in his examination before the Investigating Committee, had admitted that he had taken short hand notes of all the letters which appeared in his first statement, and which, he said, Mr. Moulton sead to him. Then again, Mr. Moulton himself on Thursday last, had, in answer to Mr. Evarts's quesnone, acknowledged that he had dictated from memory to Mr. Tilton the letter of resignation which Mr. Beecher had shown to him. Mr. Beach soon sprang to his feet to object to the reception of Mr. Beecher's challenge to Mr. Moulton to produce the letters which had been intrusted to him in confidence. The debate which followed between him and Mr. Evarte was a keen, polished argument on each side, Mr Evarts claiming that this letter marked the date of Mr. Moulton's hostility to Mr. Beecher. Mr. Evarts was finally compelled to content himself with an exception. This debate gave Mr. Moulton breathing space, and he answered the next questions relating to his slight acquaintance with Mr. Beecher before Dec. 30, 1870, with much composure and even with a smile. The rounds of the ladder were now all in place save the last. This was the question quoted earlier in this recital, and when it was asked his auditors perceived the outlines of a perfect climax, and significant glances were exchanged in many parts of the court-room. Mr. Moulton's toue changed in an instant, and during the remainder of the session his manner was quiet and subdued.

There were only a few minutes in reserve, and ex-Judge Porter contented himself with the point which he had made, although he filled up the hour with unimportant questions in relation to Mr. Moulton's intimate friendship for Mr. Tilton. The eross-examination of the witness will be resumed today, and will probably occupy two days.

THE LEGAL BY-PLAY.

Ex-Judge Fullerton opened the day's proceedings * -ith a brilliant stroke. Mr. Moulton testified that the short statement which he made before the In-restigating Committee was regarded by Mr. Beecher I'm perfectly honorable. Mr. Evarts objected to the r. weption of the statement, and after a sharp passage of argument, in which Mr. Beach, ex-Judge Fullerton, and Mr. Evarts took part, the Judge ruled it Mr. Evarts was perfectly willing to admit so harmless a document if its pertinence could be shown, and ex-Judge Fullerton claimed that Mr. Beecher had expressed approval of Mr. Mouiton's action, and by discountenancing the investigation which he was calling for in public had admitted in private his own guilt. When the Judge's decision was kendered. Mr. Beach in a whisper to his associate at advised the introduction of certain parts of the statement. Mr. Evarts protested vigorously against the reading of parts of the statement without distinction, and when the tactics of his opponents.

"But it is some evidence, and therefore I except in those cases where the statements are made upon an occasion and under circumstances in which the individual sought to show wh'le, upon the one hand he was pretending that he wanted an examination, that he was secretly trying to suppress of which instructions in which the individual sought to show wh'le, upon the one hand he was pretending that he wanted an examination, that he was secretly trying to suppress of which the individual sought to show wh'le, upon the one hand he was pretending that he wanted an examination, that he was secretly trying to suppress to show wh'le, upon the one hand he was pretending that he wanted an examination, that he wanted an examination that he wanted an examination, that he wanted an examination that he wanted an examination that he wanted an examination that he wan

proved successful he made no effort to conceal his

A quick retort which Mr. Evarts made to ex-Judge Fullerton was an incident of the session. Mr. Moulton had been saying that Mr. Beecher, immediately after the appointment of the Committee, had agreed to postpone its sessions in the hope that his friend would induce Mr. Tilton to keep back the truth. Mr. Moulton bad said to him, "You can do nothing more unless you confess the crime." Mr. Beecher said, "It will ruin me and kill Mr. Tilton." Evarts here raised a technical objection in his methodical way, and ex-Judge Fullerton, with a sigh which seemed to indicate that his opponent was altogether too "fussy" about some things, exclaimed, "Oh! well, we'll gratify you!" said Mr. Evarts, with dignity, " you will satisfy the

The proposed statement which Mr. Beecher wrote Mr. Tiltor would not make because, as he told Mr. Moulton, he did not care to appear the victim of a hallucination. Mr. Beecher said that it would kill him to tell the whole truth to Mr. Sage or to any member of the Committee. After Mrs. Tilton appeared before the Committee, Gen. Tracy described her manner with so much pathos that Mr. Tilton's rage cool d, and he consented to write a new statement, which he showed to Gen. Tracy.

Mr. Moulton's recital of the circumstances under which Mr. Rescher paid him \$5,000 dor The Golden Age without the knowledge of Mr. Tilton was given very cautiously and quietly until he came to the interview with Gen. Tracy, in which he was advised to tell Mr. Tilton that the paper had been kept alive by Mr. Beecher. Gen. Tracy had attempted to intimidate the witness, and Mr. Moulton's tone again became declamatory in resenting such a liberty.

The admission of the statement that was shown to Dr. Storrs by Mr. Carpenter and Mr. Tilton surprised every one. The defense had a roling in their favor and could have kept out Mrs. Tilton's short statement, but for reasons the force of which will appear when their own evidence is offered, suddenly withdrew their objections.

Mr. Moulton in correcting his own testimony gave Mr. Evarts a rare opportunity for annoying his opponents and confusing the witness just as the crossexamination was opening. Mr. Evarts had altogether the best of this passage at arms, and ex-Judge Fullerton had recourse to repartee to conceal his discomfiture. Mr. Evarts had used the expression, "exploded conversation," and his oppopent rejoined, "Mr. Moulton did n't explode so frequently as you do l'

Mr. and Mrs. Beecher were absent morning and afternoon. Mrs. Tilton and her Quaker friend, Mrs. Field, were present. The audience was smaller than on previous days. There were few members of Plymouth Church in attendance, and there were no bouquets in the room.

THE PROCEEDINGS.

All the principals in the great scandal suit were in their pisees on the opening of the court yesterday, which was wenth day of the trial. Ex-Judge Morris has so far re covered his health as to be able to resume his duit s in the case. The direct examination of Mr. Moulton was resumed, the first part being in reference to his appearance before the Investigating Committee.

BEECHER INSINCERE IN APPROVING INVESTIGA-TION.

Francis D. Moulton was recalled, and the direct

Mr. Fullerton-Look at the paper now shown you, and see whether that is your first st. tement to the Committee of Inestigation [handing witness a paper] ? A. It is, Sfr. Q. When was it prepared? A. Prepared for reading to the

Mr. Evarts-If your Honor please, how is this material? This is no part of any res geste that I know of. The paper was inroduced to the attention of the witness as we were about adlourning. Now his attention is called to it. It is what is called the first statement? Mr. Fullerton-Yes, Sir.

Mr. Evarts-It is called the first statement, not the long one. Mr. Fullerton-The first statement.

Mr. Evarts-The first statement which Mr. Moulton prepared. as he has just now stated, in reference to some pending investigation that was in progress. Of course that is not evidence on face. It has nothing to do with this issue. Judge Neilson—The only possible suggestion that occurs to

e in favor of its being evidence is that Mr. Beecher appr

Mr. Evarts-That will appear afterwards, I suppose. If it is intended to show that it is Mr. Beecher's statement, then we can anderstand it that it is evidence against Mr. Beecher.

Mr. Fullerton-The gentleman's objection is premature. ave not offered the statement yet in evidence, nor have I given all the preliminary proof which I design to give before 1 offer it a evidence. If that preliminary proof is insufficient when the offer is made, then of course the gentieman can properly ob-

Judge Nellson-It appeared that you were about to offer it; I thought you were and so did the counsel, I suppose.

Mr. Fulletton-I am about to offer it, Sir, but I have not yet Judge Neilson-If I see an opportunity to narrow the circle

if proof I should be very glad to do it, if I can do it properly.

Mr. Faller on - Yes, Sir; but I don't want to close the circle ntil the proof is in. so as to shut it out.

Q. What did you do with the statement before you went be-ore the Committee with it? A. Read it to Mr. Beecher, Q. Where? A. At my house in Remsen at

Q. Any one else present besides yourself and Mr Beecher?

Not when I real it to him; no. Sir.

Q. When was it rend to him? A. Read to him on the after-

on of the 13th, toward evening. Q. State the conversation between you and Mr. Beecher at he time of reading it? A. I said to him, "Mr. Beecher, I have an invitation to appear before your Committee to-night, and I rid read to you the statement which lintend to make there and if it meets with your ap, royal I should like to have you say so." I read it to him, and he said he thought it an honorable statement, and it met with his approval, he concarred in i—in the propriety of it, so far as I was concerned. After rading it to him I went down stairs with him, into the room where my wife was, and my wife said to Mr. Beecher, "What do you think of Frank's statement?" And I said, "Mr. Beccher has said it is an honorable one; " and my wife said, " You consider it honorable." And he said, "Yes." I said then to him that I had also read it to Mr. Tilton, and he also concurred

Mr. Fullerton-I now off r it in evidence.

Mr. Evarts -How is it evidence on any issue here? Here is a datement in the uniture of an argument or proposition of Mr. Moniton's relation or attitude towards an invest gation going on ; and Mr. Beecher who is a party interested in that inquiryand Mr. Tilton, if you please, also interested in that inquiry at the accuser—eay is respect to a statement that Mr. Moulton pro poses to make that it is an honorable statement for him to make. I don't know whether the statement contains any facts or not It is a short statement, and rather in the nature of a reason

for not going on any further, isn't in? Mr. Fullerton-That is one view to be taken of it. Mr. Everte-It is not any evidence on any issue in this cause. and if it is admitted it must be admitted against our objection

Mr. Fu ier on-I sm somewhat surprised that the learned consect should object to the reading of the statement and at the same breath confess that he does not know what is ated in it, because what is stated in it makes it proper to be read in evidence. If the fourned counset had perused it, he would see at once that it becomes an important piece of evidence in this controverer, and I can state very briefly how it be comes important. In the first place, it does state facts which have a bearing upon this issue. In the next place, it discl. see a disposition upon the part of Mr. Beecher to throw obstacles in the way of this investigation which he laimself had set on foot: and we suppose that it is a material fact in this case to show that while he was pretending that he wanted an investigation in point of fact he wanted no such thing, and tried to smother Those two facts become very apparent by the reading of

Judge Neilson-Very well; the last fact, if it be such-the suggestion that Mr. Beecher wished to smother the investi-gation—is not at all material here, and I think on the whole it is

ny duty to rule oet that paper.
Mr. Fullerton—Will your Honor hear as apon that subject? Mr. Evarts - You have just been heard.
Mr. Fullerton - I propose to be heard again. That is for the

Court and not the counsel to determine.

Judge Nellson - I cannot conceive how anything that the wit ess could have written, any statement of facts -we have the facts otherwise any argument, how that could be material is

Mr. Fallerton - Why. Sir, one strong argament to be made up the other side in this case is this, that Mr. Beecher courted this investigation; he appointed a committee for the purpose of going to the bottom of this scanlai, and developing every fact that could possibly throw any light upon the subject, and sence they say he was innocent of this charge; that the scandal had no fo undation in fact. Doesn't it become important for us

hand, I think, even if your Honor should conclude to shut it that is that he stated facts, and that Mr. Beecher acquiesced in those facts—raid that it was a proper statement to be made; that it was an honorable statement upon the part of Mr. Moulton, and truthful.

Mr. Evarts-He has not said that Mr. Beach-Yes, Sir; he has said it was a true s'atement. Let us see from the stenographer's notes whether he said it.

Mr. Fullerton—I want to show that up to that hour Mr. Moul-

ton was in the confidence of Mr. Beecher, and acted as he wanted Judge Neilson-That appears. The real question is whether t does state facts, and whether Mr. Beecher assented to the

correctness of the statement of facts. Has counsel looked at the paper? Mr. Evarts-I have boked at it heretofore generally. I haven't

it before me at this moment.

Mr. Fullerton—Why, Sir, the paper acknowledges the offense Mr. Evarts-Your Honor can look at the paper if it is de-

Mr. Beach-There is, first, Sir, a dispute to be settled in regard to what is the evidence of the witness in regard to the gnition by Mr. Beeches of the accuracy of this statement and ito the Tunung reporter] I therefore ask the stenographer to read the evidence of Mr. Moulton as to what Mr. Beecher said upon that subject.

[The Taraunz stenographer read the testimony referred to.]
Mr. Beach—The evidence then is that when the statement was read to Mr. Beecher he concurred in it. If, therefore, the state ment contains any fact material to this issue it certainly is competent to be given; and, sithough it is true, as your Honor says that Mr. Moulton can make no statement that shall be conclusive up in Mr. Beech r, your Honor will recognize the truth of the proposition that when a statement of a fact is made to a party and he concurs in that statement of fact, it is an adoptic of the statement and it becomes evidence against him. And, if your Honor please, that question was before you upon an earlier interlocatory question, and the case in the 55th New York was referred to, and was at that time acquiesced in by your Honor's dec sion, and it is a too familiar principle to be disputed. But, if your Honor please, will you regard the suggestions which is made by my associate upon the other aspect in which this evidence is ant. Is it not a material fact for us to show that when ever this subject was presented or discussed, whenever upon my occasion it was advanced for investigation, whatever was the pub ic attitude of Mr. Beecher with reference to that in quiry, yet he in secret repressed and discountenanced all inves-tigation into the subject? Is it not a substantial fact to be endeavors to escape from all acitation of the subject? Is not concealment everywhere an evidence of guilt, and may we no n that aspect alone present this evidence, with other evidence which your Honor has received tending to the same issue and ending to the same result?

MOULTON'S FIRST STATEMENT EXCLUDED.

Judge Neilson-The various papers that have seen put in have been read without objection. I do not recal single one—not even Mrs. Morse's letter—that was objected o. The effect of the paper was spoken to by counsel, and that held in reserve by him, but the reading of the paper was not objected to. This is the first one, I think, that has been thus obected to. The simple question is, Mr. Evarts, whether it is admissible as having been approved by Mr. Beecher.

Mr. Evarts—Exactly, Judge Neilson—There is this to be said about it at the same time. An approval by the defendant—an unqualified approval you'd be one thing. An approval of it as proper to be put in by the witness would be perhaps another thing.

Mr. Evans -Whenever this paper shall be read, if your Honor shall think that it is admissible, its entire harmlessness as affect no the case of this defendant will be apparent; but, nevertheless the question arises for connset whether matters not pertinent to an issue which includes the range and scope of what is pertinent, and enough, and an adequate variety of evidence-whether eviience not pertinent should be admitted because it is not inurious is not a question with which counsel have properly nothing to do. Here is a statement of Mr. Moulton, who occu-pled the position of a witness n tifled to attend before a church ex-mination which had no comput ory power over him. He did not go there as a witness, but he prepared a statement which was to be for the present at least an answer for his not testi-fying, and he read it to Mr. Beecher and asked him if he thought it was an bonorable statement for him (Mr. Moulton) to make in that behalf, and for that purpose; and then he asked Mr. Tilten the same thing, and then Mrs. Moulton, it seems, had in interest in asking the question, and the result of it is, no doubt, as it stands-that Mr. Beecher had this little short state ment of half a page, which I hold in my hand, read to him, and said that it was an honorable statement for him to make, and, f you please, concurred in the propriety of his making it; that

Judge Neilson-That had reference, of course, to the attitude of Mr. Moniton.

Mr. Frarts No doubt-the propriety of his making it. Mr. Follerton-He states some facts which bear upon this

Mr. Evarts - Who !

Mr. Fuller on -Mr. Moulton; in that statement.
Mr. Everts-Whotever is in that conversation that bears on he lesue is not what we are now discussing. The question is whether this statement bears on the issue?

Mr. Fullertou-My reply isMr. Evarts-1 believe I have the floor. My learned friend inder akes to say, and he is supported by his learned associate, that whatever indicates an aversion on Mr. Beecher's part to promeigation of scandal, and an examination into scandal, is to be produced as evidence that he is guilty of a crime. There is no principle of human nature, and no rule of law, that imputes any such consequences to any such this cause, the burden of which has been assum by this plaintiff, and that is to prove the adultery of his wife; ould like to know how these conversations as to the latitude and mode of meeting an inquiry into that matter, and he aversion of one party to the alleged fault - the alleged guilt ing in isposed to have the inquiry made, bears upon

being in teposed to have the inquiry make, decay and question, which is the real question that your Honor or the jury are occupied with—the existence of the fact.

Mr. Fallerton—I agree entirely with the tearned counsel as to the issue between these farties, and as to who has taken the affirmative of that issue, and I assert again that there are facts stated in this statement which bear upon that issue. It was a statement read to Mr. Beecher, Mr. Beecher understanding perfeetly well that that was to be promulgated before the Commit tee. Doesn't it become important, therefore, to look into this statement and see what was there said with referonce to this crime charged upon Mr. Beacher? Suppose that office to this crime charged upon an in-fir Monito in that proposed statement had acknowledged Mr. Beechet's guill, but did not think that it was a subject for investiga ion, that it ought to be suppressed; would not that be ome evidence? Why, it seems to me, if the Court please, that the proposition is too plain for argument, and if your Honor will take the statement and examine it, you will see that Mr Moulton came directly to the point in that statement and gave his reasons why he should not testify, and those reasons bear apon this question now before the jury. There can be nothing I beg your Honor to look at this statement.

Mr. Evarts-Your Honor can look at the paper. Mr Beach -I have sent for an authority, Sir, that I wish Judge Nelleon -I do not think it will help me any to look at

the paper (taking the paper).

Mr. Evarts-It is a very short paper.

Mr. Fullerton—And a very significant one. Then in another point of view, already presented to your Honor, this paper bepoint of view, are say presented to your folios, this paper of the comes exceedingly important. I repeat what I said before, that when Mr. Beecher m ites efforts to suppress investigation, be certainly is doing something from which his guilt may be inferred. I cannot see any other inference to be drawn from it. He says to the public: "I want investigation." He says to his church: "Appoint a Committee for the purpose of investibut in private and in secret he is attempting in every possible way to preven it. As a matter of course, the testi mony of Mr. Moulton before that Investigating Committee was
of the first importance. He had been connected with this unhappy matter from the beginning up to the time of the meeting
of the Investigating Committee. He had within his knowledge facts which would enable him to determine whether the stander was groundless or well-founded. Now, if Mr. Beecher prevented or attempted to prevent him from going before that Committee, organized by himself, so as to shut out all these facts within that gentleman's knowledge, doesn't it become important? Doesn't it bear upon this queedon, and in connection with the flood of evidence in this is not the jury warranted in drawin; an inference from it? Does it not add to the force and to the effect of the other testimon it not and to the force and to the effect of the other testimony in this cause? It can not be said to be irrelevant. It is always competent to prove against an individual on trial for an offense that he end-avored to suppress testimony, that he got a witness to go out of the jurisdiction of a court and beyond its process, that he undertook for a compensation to withhold the truth; anything of that kind is competent in the trial of an individual for an offense. The suppression of the truth is always evidence it on the part of an individual who is on trial.

Mr. Beach -I read to your Honor from the case of Kelley v. People, in the 55th of New York, page 535. I read from page 517. It was a criminal case :

when an individual is charged with an offense, or declara-tions are made in his presence and hearing touching the fact of the guilt or innosence of an alleged crime, and he remains silent when it would be proper for him to speak, it is the province of the jury to interpret such a silence and determine whether his silence was, under the ci-cumstances, exceed or explained, At most, a lone, under such circumstances, is but an implied acquiescence in the truth of the statements made by others, and thus presumptive evidence of guilt, and, in some cases, it may be slight, except as confirmed and corroborated by silier cir-cumstances."

In this case, your Honor perceives, it was not simple silence it was an explicit concurrence.

"But it is some evidence, and therefore I except in those case

intrusion into a discourse to which he was not a party, the evidence is competent and should be admitted."

Your Honor will also observe that this was not a converse to this defendant himself. It was in relation to an investiga tion of an offense charged against him, in which the truth of that accusation was to be investigated by a Committee selected by himself. Therefore it was proper for him to speak; the occasion demanded utterance upon his part. He knew that this statement was to be presented to that Committee, and he knew in what degree and to what extent that statement would affect that in-

westigation. The Court proceed to say:

"Any declaration of the individual in response to a statement so made would be admissible in evidence, and an omission to make an answer to it, or notice it like other acts of the party, is to be interpreted, and such effect given to it, as evidence, in connection with the other circumstances of the case, as the Jury in their discretion shall think it entitled to. The implication of assent to a statement affecting the guilt or innocence of an individual from an omission to controvert, qualify or explain it, arises from the fact that a person knowing the truth or falsity of a statement affecting his rights made by another in his presence, will, naturally under circumstances calling for a reply, deny it if he be at liberty to do so, if he do not intend to admit it. It is no objection to the admission of the declarations of the accused as evidence, that they are made while he is under arrest; and his admission, either expressed or implied, of the truth of a statement made by others under the same circumstances, is equally admissible. His conduct and acts, as well in custody as when at large, may be given in evidence against him; and their cogency as evidence will be determined by the Jury."

Now, Sir, I do not think that argument can illustrate the apreetigation. The Court proceed to say:

Now, Sir. I do not think that argument can illustrate the application of that principle to this case.

Judge Nellson-I still think that in this instance it was understood that the witness was to make a statement to the Com mittee. It appears his statement had been prepared, had been submitted to Mr. Tilton. It was, in a friendly spirit no doubt, submitted to Mr. Beecher, and he had in view the fact that Mr. Moulton was making a statement—and, of course, a statement from his standpoint of view. I think the case is very much as an instance would be where a witness ter tifies, testifies adversely to you; and yet you admit that, differing from your view, it was honorable in him to testify as he did. The paper did not call, it seems to me, for a contradiction or the part of this defendant; and I still think I must rule it out,

Mr. Beach-We except. (To. Mr. Fullerton.) We want it to appear upon the record; that is all. That does not put it upon Mr. Fullerton-I want to offer parts of this, Sir, if the whole

is not admitted. Judge Neilson-Well, you can frame the offer in such form

hereafter as need be.

Mr. Beach—No, Sir; we want it on the record. Judge Neilson-Frame it in your own way.

Mr. Fullerton-Then I offer this part in evidence.

Mr. Evarts—If they are to offer any parts in evidence, they should be marked and handed to the Court for the Court to pass upon. Your Honor has held that the paper itself shall not be offered to the Jury. I sk that they be handed up to your

Judge Neilson-He has a right to say he offers to prove one Mr. Evarts-Yes, but the point is this, if your Hosor please he proposes to your Honor that certain parts of a written paper, notwithstanding the paper itself is not admissible (which your Honor has ruled), are admissible. Now, how he ex-

pects to make that lodgement and distinction, I don't know. Judge Neilson-Well, the counsel can mark the parts. Mr. Evarts-Yes, Sir, and hand it to your Honor. Mr. Beach-That does not bring it upon the record. I do not see much difficulty in supposing that a whole instrument may not be admissible; as a whole, there may be some immaterial matter in it which would be sufficient to exclude it when offered as a whole, and yet there may

e parts of it, statements of fact which we say were admitted by Mr. Beecher on that occasion, which may be admiss Judge Neilson-Your rights ought to be saved in respect to it, f course; any form that will do that. Mr. Fullerton-Then I offer in evidence-

Mr. Evarts-We object.

A LAWYER'S SHREWD FLANK MOVEMENT. Judge Neilson [to Mr. Fullerton]-The counsel

bjects to year reading it in the hearing of the Jury.

Mr. Fullerton—Well, your Honor, I can't get it on the record without reading it. Your Honor don't put it on the record by

Mr. Evarts-Why, certainly; he marks it. Mr. Fullerton-Not at all. If it is shut out it will do no harm the defendant. If it is let in, why then it has its natural

effect. to have the evidence both in, and have an exception for ruling it him, "Mr. Beecher, can't we get an adjournment; can't we

out ; that we understand. Now, he has got an exception to its ing ruled out, and now he would like to have it in Mr. Beach-How does it get in when it is not admitted

Mr. Beach Does reading a proposition make it evidence !

Mr. Evarts—It answers the purpose.
Mr. Beach—Answers the purpose? How? Does the gentle-

man distrust the gentlemen of the Jury that they will not obey your Honor in ruling out evidence? And does your Honor mean to deny us the privilege of making a proposal of proof?

Judge Neilson-No, Sir. Mr. Evarts-In the ordinary mode.

Mr. Fullerton-I offer in evidence this part of the statement to wit [reading.] :

to wit [reading.]:

"I regret for your sakes the responsibility imposed on me of appearing there to night. If I say anything. I must speak the truth. I do not believe that the simple curiosity of the world at large or, even of this Committee, ought to be gratfled through any recitation by me of the facts which are in my possession, necessarily in confidence, through my relation to the parties. The personal differences of which I am aware, as the chosen arbitrator, have once been settled honorably between the parties, and would never have been revived except on account of recent attacks, both in and out of Plymouth Church, made upon the character of Theodore Tilton, to which he thought a reply necessary. If the present issue is to be settled, it must be, in my opinion, by the parties Titton, to which he thought a reply necessary, if the present issue is to be settled, it must be, in my opinion, by the parties themselves, either together or separately, before your Committee, each taking the responsibility of his own utterance. As I am fully conversant with the facts and evidences, I shall, as between these parties, if necessary, deem it my duty to state the truth in order to final settlement, and that the world may be well informed before pronouncing its judgment with reference to either. I therefore suggest to you that the parties first be heard, that if then you doen it necessary that I should appear before you, I will do so, to speak the truth, the whole truth and hothing but the truth."

Judge Neilson-Well, that is ruled out. You take an exception specially to that. Now the next. Mr. Fullerton-I also offer this, to wit :

"I hold to-night, as I have held hitherto, the opinion that Mr. Beecher should frankly state that he had committed an offense against Mr. Tilton, for which it was necessary to apologize, and for which he did apologize in the language of the letter, part of which has been quoted." Judge Nellson-Same ruling as to that, and same exception.

Mr Fullerton-I also offer this: Mr. Fulierton—I also offer this:

That he [referring to Mr. Beecher] should have stated frankly that he deemed it necessary for Mr. Tilton to have made the defense against Dr. Leonard Bacon, which he did make, and that he (Mr. Beccher) should refuse to be a party to the reopening of this painful subject."

Judge Nellson-Same ruling. Mr. Fullerton-[Reading] :

Mr. Funertod—[Reading]:

"If he had made this statement he world have stated no more than the truth, and it would have saved him and you the responsibility of a further inquiry. It is better now that the Committee should make the statement which I have suggested, or that if the Committee does report, the report should be a recommendation to Mr. Beecher to make such a statement.

Judge Neibon Same ruling as to that. Mr. Evarts [excitedly]-Now, if your Honor please, my earned friend has read every particle of this paper except mere surplusage. [Violently throwing a book on the table.] Judge Neilson-He gets it on the record in that way; I think

it is proper.

Mr. Evarts—He has done it, as I told you.

Mr. Fullerton—And I have read it because I want to offer it n evidence, except the surplusage.

Judge Neilson-I think you have done properly. Mr. Fullerton-Is the complaint that I have not offered the Mr. Evarts-The situation is a very plain one You offered a

paper which was ruled out. There should have been an end of it. You then offered parts of it, as you said, on some particular discrimination, and in that respect. You read the whole paper

except a mere formality.

Mr. Fallerton—And the whole paper is ruled out and all its

Mr. Evarts-That was the first ruling. Mr. Fullerton-Undoubtedly it was. Mr, Evarts.-You said you would make the discrimination.

Mr. Evarta.-Well, I don't see it. (Laughter)

Mr. Fullerton.-The gentlemen says I have not offered the surplusage. I have discriminated between the wheat and the that He wants the chaif also, if I understand him right. (Laughter.) I left out just what I chose to leave out. The gentleman cannot preclude me from making my offer of testi-Judge Neilson-That is right. The audience don't begin well

this Monday morning. This is a bad beginning. Please not to repeat that again. By Mr. Fullerton-Now, had the Bacon letter then been pub-

lished? A. Yes, Sir; the Bacon letter was published, had been published—the Bacon letter he 1 been published. Q. Do you know how long it had been published?

Mr. Beach—We take exception to each of those rulings.

Judge Neilson-Yes, Sir. The Witness-June previous. Q. State whether that Bacon letter had been the subject of

inversation between yourself and Mr. Beecher? A. It had Q. Prior to the reading of the statement of which you have

spoken? A. Yes, Sir; and was the subject of conversation at the time I spoke to him with reference to this statement. Q. And what did Mr. Beecher say at the time you read that statement to him, if anything, with reference to the apology, so called ; I refer to the letter of January 1st, 1871, in that conve-

ssation? A. I said to him, I said to Mr. Beecher-Q. Go on? A. I said to Mr. Beecher, "I have recommended from the first-have said from the first, rather, that this Bacon letter, in my opinion, offered a basis for recon-

on account of the introduction of the by that ?" I said that is what he would have done; I hope he word 'offence,' and the reason that I have followed the line of them in this statement is, that I want to earry that view into the Committee, and don't want to go any further than that;" and then he said, "I concur in the propriety of that state ment." After hearing my reasons he said, "I concur in the pro-priety of that statement," and I said Mr. Beecher, "You consider it honorable, do you not?" and he said, "Yes, I do." That was the conversation between Mr. Beecher and myself. There was a further conversation with regard to the publication of the correspondence between Mr. Beecher and the Committee sub-

equently to that time,
Q. That I am coming to in a moment; when did you first learn that the Committee had been appointed? A. From Mr Beccher, on July the 5th.

MOULTON'S LAST OFFICES AS MUTUAL FRIEND.

Q. Was there any talk between you and Mr. Beecher in regard to the composition of that Committee before it was ordered or appointed? A. He said he should have the naming of the-

Q. How? A. He said he should have the naming of the peo-

When was that conversation? A. On July 5th. Q. What occurred, now, immediately subsequent to July 5th in reference to the proceedings before that Committee between

July 5th? Q. Yes, after you learned the Committee was appointed what occurred between you and Mr. Beecher with reference to any proceedings before it?

yourself and Mr. Beecher? A. What occurred when-on

Mr. Evarts-That has already been gone into.

Mr. Fullerton-No, Sir, it has not. Mr. Evarts-What he has lately stated was mere repetition of what he said before. Mr. Fullerton-I will show the gentleman that there is some

thing that has not been developed. Judge Nellson—Go on.
The Witness—He consulted——I saw Mr. Beecher at his house,

Sir, with regard to the report which he was to make to the

of the 12th of July, commencing the 12th of July, between the 12th and the 20th. I saw him several times, Sir, at his house. Q. At his house? A. Yes, Sir.
Q. With regard to what? A. With regard to the report which

he should make to the Investigating Committee of his church. Q. State whether he had it prepared? He read to me, Sir, om a paper what he proposed to say with regard to Theodore O. And what was it? A. The substance of it was that h took upon himself great blame for his conduct toward Theodore

Tilton and his family, and experated Theodore Tilton from all lame so far as concerned Tilton's action towards himself; and I said to him : "Mr. Beecher, I think that I may be able to inwriting, if I express to him fully the ground that you take with regard to him; because I cannot see that you can do anything more, unless you confess absolutely to the Committee the crime which you have committed against him and his family. And I will try to influence Mr. Tilton upon the basis of what you have told me." And he said: "I hope you will succeed in doing that: if Theodore publishes the fact, as he has threatened to, of my relations with Mrs. Tilton, it will ruin me, but it will kill him;" and he wept in expression-in expressing to me at that time his sorrow for the crime that he had committed; and I, Sir, was deeply affected myself with his presentation of his contrition; and I went to Theodore Tilton and I to a him that I night he should not write the document which he was prepar ing, if he intended in that document to state, as he said he had in The Argus newspaper, the facts; that he ought not to do it, Q. Well, was anything said in that conversation in reference to a proposed report or statement? A. Not in that conversation,

Sir; I am going to give you the conversation.

Q. Just come to that, please? A. Yes, Sir; certainly. I say Mr. Beecher again, and I told him that Theodor Mr. Evarts-Give us the date of this? A. I'm giving the date

as near as I can. Mr. Beach-He has said there were several interviews. The Witness-In the week-within the week, Mr. Evarts, of

get an adjournment of the Committee of Investigation ?" Said I, "Time is worth more than anything else in this business

with Tilton;" and he said he would try to get a postponement

of the meeting which was called for the succeeding Monday

said he would write to Mr. Sage and procure a postponement

since my last interview with him; and he said, "No;" and I

said to him: "Mr. Beecher, I do not-I cannot recommend you to make any report to that Investigating Committee until I can get Theodore Tilton to commit himself to what you shall say,"

and, if striking favorably, a word sent substantally thus to Com-

Q Is that the paper that he prepared? A. Precisely, Sir; I

Q. I understand you that this interview, when this paper was

prepared that I have now produced, was at Mr. Beecher's house?

A. Yes, Sir.

"The statement of Mr. B. being read and, if striking favora

"The statement of Mr. B. being read and, if striking favorably, then a word sent, substantially thus, to Committee: (Extract.)—I have been through years acting under conviction that I had been wronged, but was under the imputation of being the injurer. I learn from a friend that Mr. B., in his statement to you, has reversed this, and has done me justice. I am willing, should be consent to appear before you with him, and dropping the further statements which I felt it to be my duty to make for my own clearance, to a tile this painful domestic difficulty, which never ought to have been made public, finally and amicably."

Q. What, if anything, did Mr. Beecher propose when he handed you that paper? A. The substance of the paper itself

nt to the Committee experating Mr. Tilton

-to make a statement to the Committee exonerating Mr. Tiltor from all blame-from any injustice toward him from Mr

Mr. Beecher, isn't there any member of your Committee be-

might guide the action of that Committee properly with refe

he said? A. Yee, Sir; he asked me to show that to Theodore Tilton, and I did show it to Theodore.

Q. And did you report to Mr. Beecher what Theodore said?
A. I did; yes.

Theodore refused to consent to make himself out the victim of

Q. When was the next interview between yourself and Mr.

Q. Yes? A. I don't remember. Mr. Beach-If he don't remember dates, refer him to the

Q. Well, did Mr. Tilton publish his card? A. Yes, Sir; he

Q. His statement? A. Yes, Sir; he presented his statement

it on the first interview of the week of the 12th to Mr. Beecher

when I told him I thought I could induce or I would try and

nauce Theodore to withhold the statement he was preparing

Q. And you showed him then, as I understand you, Mr. Til

ton's proposed report for the Committee to make? A. Yes, Sir; I submitted to him a paper which Mr. Tilton had prepared,

and had expressed his willingness to abide by it bet

party, or after this statement ?

the 20th; he presented it to the Committee on the 20th.

mittee on the 20th? A. He presented his report.

proposed report to the Committee ? A. Did who ?

Q. And what did you report to him? A. I said to him that

made the explanation that he did to him of that.

Mr. Evarts-What did he say?

a hallucination; I think that was all.

Beecher ? A. When was the next ?

published it on the 20th.

subject.

Q. And he got up from his bed to write it? A. Yes, Sir. Mr. Fullerton—I offer it in evidence.
Q. It is in Mr. Beecher's handwriting, isn't it? A. It is,

and then I asked him if anything new had occurred to

atement, and that being satisfactory, the paper---

Mr. Evarts asked that the paper be produced.

Mr. Fullerton-Well, Sir, I will gratify you.

Mr. Evarts-You will satisfy the law.

[Paper handed to witness.]

Mr. Fullerton [reading]:

[Paper marked "Exhibit No. 49."]

[Laughter.]

beg pardon.

the 12th and 20th. BEECHER SEEKS A COMPROMISE.

Mr. Evarts-When was this? A. Within that

"Report. The Committee appointed to inquire into the offense and apology by Mr. Beecher, alluded to in Mr Filton's letter to Dr. Bacon, respectfully report that, after examination, they find that an offense of grave character was committed by Mr. Beecher against Mr. and Mr. Theodore Tilton, for which he made a suitable apology to both porties, receiving in return their forgiveness and good-will. The Committee further report that this seems to them a most eminently Christian way for the settlement of difficulties, and reflect honor on all the parties concerned." week; between the 12th and 20th I saw Mr. Beecher, and I told him that Theodore seemed to be obdurate, that I thought I would have to treat him about as I treated him before-let him work himself out, and try to prevent publication if I could. or change the form, if I could, of the presentation; and I said to him, "Mr. Beecher, isn't there any member I said to

ports, I want you to repeat what Mr. Beecher said when you

of mind, and I hoped -By Mr. Beach-What frame of mind? A. The frame of mind in which he wrote that. Q. Well, state it? A. I said to him that that was what Theodore had been willing to do, as expressed in the statement, and

and he was lying on his bed at the time, and he rose from it and went to a bureau and took a piece of paper and wrote a form of proceeding something, like this: "Mr. Beecher having made a he said. That is all. By Mr. Fullerton-Now, this frame of mind of which you have spoken on the part of Mr. Tilton I understand was super

statement to the Committee? A. Yes, Sir. Mr. Fullerton-Well, it is easier to do that than to satisfy you stement was what Mr. Tracy read—the statement made to the Committee by Mrs Tilton, a statement in which she had spoken

Q. Not the long statement that was published? A. I don't know that It was

Q. What was the result of all that? A. The

Mr. Evarts-The witness has said there was another state

The Witness-Another statement also where? Mr. Evarts Before you at this time.

The Witness-No, Sir; I dont say there was another state-

Mr. Evarts-I misunderstood you. By Judge Nellson-You didn't have it with you? A. No. Sir; I didn't have it with me.

Mr. Beecher about the long statement? A. I aid speak to Mr. Beecher about it at that time.

but I don't think it was shown. [The long statement referred to by the witness was marked for identification "No. 51."

published by Mr. Tilton. [Handing a neess a paper.] Look at the paper now shown you and say whether that is the card referred to. A. Yes, that is the one

have had no evidence from this witness connecting Mr. Beecher Mr. Fullerton-Well, what did he wish you to do with this paper that I have just read? A. Wanted me to take it to Theowith this article. Judge Neilson-This is the long statement. Mr. Fullerton—Yes, what did he say? That is the way he manifested what he wanted you to do, I suppose. Tell us what

Mr. Evarts No. Sir, it is a new-paper article from Mr. Tilton, published in a new-paper; whether it had any other authenticity than that I don't know, but nothing his been said by the witness

which connects Mr. Beecher with it. Judge Netton - [To Mr. Pullerton] - How haveyou connected Mr. Beccher with it ?

TILTON AGAIN ANGERED.

Mr. Fullerton-Something has been said by the witness with reference to it, and to make it clear, I will ack the wisness a question in regard to it. [To the witness]:

Sir; I told Mr. Beecher that Mr. Tilton never would have written that card if it had not been for the publication of his correspondence with the Committee and the describer of his wifeand I said to Mr. Beecher at that laterview, "Don't you know that you are doing yourself, or are liable to do yourself, a great hart by keeping Elizabeth away from Theodorel Don't you know perfectly well the influence that that woman has had over him? If you keep her away from him it will only incense him, and you ought to send her back to him," and he said, "That can be arranged if this other matter is fixed up

Mr. Fullecton What other matter? A. The statements.

the 13th of July, 1814, caused this action on the part of Mr. Beacher in reference to those statements, the one he proposed o make, and the one he prepared for Theodore Tilton to It was to avert this blow, threatened in this card, and hence is

Q. Was this report to be made without statement by either

not any reference to that. That which I have just handed you was a report prepared by Theodore Tillon. I saw Mr. Beecher on that day, and I said to Mr. Beecher: "This will show you the mind Theodore has had upon this subject, and if it had not been for the publication of your correspondence, and the desertion of Theodore by his wife, he would not have been in the augry mood he is to-day, insisting upon the publication of

Q. By Judge Nellson-Was that before or after Mr. Tilton's atement had been given to the Committee ? A. It was before,

By Mr. Fullerton—What was the subject of conversation then when he used that language? A. The very report which I

showed to him of Mr. Tilton; I read it to him and handed it to

Q. [Handing paper to witness.] Look at that paper. Is that the paper you refer to ? A. Yes, Sir; that is it.

TILTON TEMPORARILY MOLLIFIED.

Q. Now, then, in that conversation what was said

a reference to the proposed statements of the respective par

ties? A. That they were to go before the Committee and

Q. Have you reference now to the pro-posed statement by Mr. Beecher just read in evidence, and the reply which he prepared to it * A. I have

Q. What statements? A. Statements of offense

Q. A report for the Committee to make? A. Yes, Sir.

will still be willing to do it.

make their statements.

Q. By Mr. Fullerton -I want you to state whether at the time of this conversation the statements which the respective parties were to make before the Committee were the subject of conver sation; and if their character was then fixed, to state what they

were to be? A. State that over again, if you please. Q. You have now identified a proposed report that Mr. Tilton prepared for the Committee to make? A. Yes, Sir. Q. And you showed it to Mr. Beecher? A. I did.

Q. And he asked you if Mr. Tilton would be satisfied with that. A. Yes, Sir.
Q. Upon what, or of what, was that proposed report to be predicated—in the shape of statements of the parties?

Mr. Evarts (to the witness)—What passed between Mr.

Beecher and you? Mr. Fullerton-I asked that; in that conversation what was said on that subject between you? A. I said to Mr. Beecher

that after Mrs. Tilton had made her statement to the Com mittee, Mr. Tilton was very much incensed, and that Mr. Tracy in a subsequent interview with him—in an interview subsequent to Mrs. Titon's report to the Committee, or statement to the Committee, had so presented to him the influence which her statement had had upon the Committee that it melved the anger all out of Theodore Titton, and he was perfectly willing to make a statement to the Committee which should not contain the fact of adultery between Mr. Beecher and Mrs. Tilton; that he was perfectly willing, if Mr. Beecher would take great blame upon himself, and exonerate Theodore Tilton from dishonorable conduct towards him-from any injustice towards him-that he. Theodore Tilton, was perfectly willing to settle the matter without making any accusation before that Com-mittee, and that he had prepared such a report for the Committee to make, and that he had shown it to General Tracy, and General Tracy had said to him, on the night of the conver tion to which I refer, that the Committee seemed now to be of opinion that there was an offense, and that he thought it would not be hard to get from that Committee a report (unfavorable it is true, to Mr. Beecher) on the ground of the offense, but which would really settle the whole business, and save all the parties concerned from dishonor in consequence of crime; that Q. And this report that you have identified is the one that

you now speak of? A. That was one of them, Sir. There were two. One was a long one, and that was a short one. By Mr. Evarts-Made at the same time? A. Yes, Sir; two. The short one was not submitted to Mr. Tracy.

By Mr. Fullerton-[Handing paper to witness]-Look at the paper now shown you and say whether it is the other report prepared by Mr. Tilton at that time? A. This is the paper, if is Mr. Fullerton-I offer the first report in evidence:

[Paper marked for identification " No. 50."]

[The paper heretofore marked for identification No. 50 was here marked "Exhibit No. 50.17] Q. For fear we may not distinguish between those two re-

showed to him, or read to him, the report I have just put in evi-dence? A. I said to him that Theodore had been in that frame

I hoped that he would still consent to act in that way, and Mr. Beecher said: "Well, do you think he will? I hope he will;"

induced by a report made to him of the effect of Mrs. Titon's Q. What statement was that? A. All that I know of the

highly. General Tracy said, of her husband. The Witness [reading] : "The statement of Mr. B. being read

Q. That report was not made, as I understand you?

ment also there.

ment also before me at this time. I spoke to Mr. Beecher of a report which Theodore Tilton had been willing to make, and I didn't show that report to Mr. Bo cher; I did not have it with me. I happened to have this in my pocket, which I submitted

By Mr. Evarts-I think the stenographer's notes will show that there were two reports. [To the witness.] You spoke to

By Judge Nellson-But you hadn't it with you? No. Sir. Q. The paper you had with you was the one that has been read ? A. Yes. Sir.
By Mr. Evarts—This short one was not shown to Gen. Tracy ?

A. I don't remember that it was; I could not swear that it Beecher, and taking great blame upon himself on account of his conduct toward Mr. Tilton's family, and I said to Mr. Beecher. Q. You said something about some paper having been shown to Mr. Tracy? A. Yes, Sir; it was the long statement.
Q. And not the short one? A. I don't think the short one
was shown. The short one was the substance of the long one, side Mr. Tracy, or isn't there any one in that Committee beside Mr. Tracy, to whom you can tell the truth; to whom I could

tell it or to whom Mr. Tracy could tell it, in order that they nce to the fact itself ! Couldn't you tell Mr. Sage ?" and he said no, it would kill him. He said it almost killed him when By Mr. Fullerton-You have spoken of a card in The Argus he told him that he had been guilty of an offense; when he

Mr. Evarts-That is Mr. Sage's ? A. Yes, Sir. "Well." I said, "that is too bad; if you have not got one friend in that Committee to whom you can tell the truth, what is the use of your friends ?" and that is the substance of what occurred. Mr. Fullerton I offer it in evidence.
Mr. Everts We object to this, if year Honor please. We

Q. Between the 18th and the 88th of July 1874, when these proposed statements were suggested to you, was anything said, and if so, what about Theodore Titton's card in The Argust A. Yee,

Q. On the 20th? A. I believe-no; he did not publish it on Mr. Beach-You mean he presented his statement to the Com-By Mr. Fullerton—Before the publication or the presentation of Mr. Tilton's statement to the Committee, did he prepare a Q. Did Mr. Tilton present a proposed report for the Committee to make? A. Yes, Sir; Mr. Tilton did, and I submitted Mr. Rearts I still don't see any connection between it and

Mr. Evarts I don't see any relevancy to that, Mr. Pullerton - Why. Sir, this paper which was published on

Judge Neilson - I don't see it so : I don't think it to Mr. Fallerton Well, I must offer it in another point of view,

Mr. Evarts-What was said about it between you and Mr. so that it will appear as a part of the record, because it makes the first statement of Mr. Moulton which The Witness -Mr. Beecher said to me, "Will Theodore stand | your Honor has ruled out all the more important and signife